

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MANJIT GORAYA,  
Plaintiff,

v.

HUGO F. MARTINEZ, et al.,  
Defendants.

Case No. [15-cv-04844-DMR](#)

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE TRANSFERRED**

On October 21, 2015, Defendant Norma Martinez removed this case pursuant to 28 U.S.C. § 1441 from Superior Court of California, County of San Joaquin, where it was pending as a complaint against Defendants Hugo F. Martinez, Norma Martinez, and Celia Domionquez. Defendant Norma Martinez also filed an application to proceed *in forma pauperis*. According to Defendant Norma Martinez, Plaintiff Manjit Goraya's complaint presents a federal question such that the case could have originally been filed in this Court. (Notice of Removal ¶¶ 5-6.)

Pursuant to 28 U.S.C. § 1441, "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a). Based on the notice of removal, it appears that the proper venue for this case is the Eastern District of California, because it "embraces" San Joaquin County, where the action was pending. According to 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Accordingly, IT IS HEREBY ORDERED that, by **no later than November 4, 2015**, Defendant Norma Martinez shall file a statement explaining why this case should not be transferred to the United States District Court for

the Eastern District of California.

**IT IS SO ORDERED.**

Dated: October 28, 2015



United States District Court  
Northern District of California